

Meeting Date: 08-19-08

AGENDA REPORT

Agenda Item # 3B

Santa Clara

City of Santa Clara, California



DATE: August 19, 2008

TO: City Manager for Council Action

FROM: City Clerk/Auditor

SUBJECT: Approval of the July 15, 2008 Minutes of the City Council, As Corrected

EXECUTIVE SUMMARY:

A correction has been made to the Minutes of the City Council for the meeting of July 15, 2008. The motion regarding Item 11 of the Planning Commission meeting of June 25, 2008 pertaining to the property located at 2221 The Alameda as been amended to show clarification of Council Member McLeod abstaining due to her participation in the neighborhood meeting regarding Mission City Coffee Roasting Company. The corrected motion reads as follows:

"MOTION was made by Caserta, seconded and carried with McLeod abstaining on Item 11 regarding 2221 The Alameda (participated in neighborhood meeting regarding Mission City Coffee Roasting Company that caused referral to the Planning Commission), that the Council **note and file** the **Minutes** of the **Planning Commission** for the meeting of June 25, 2008."

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The corrected motion more clearly reflects the abstention of Council Member McLeod.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council approve the July 15, 2008 Minutes of the City Council, as corrected, regarding the Item 11 of the Planning Commission meeting of June 25, 2008 pertaining to the property located at 2221 The Alameda as been amended to show clarification of Council Member McLeod abstaining due to her participation in the neighborhood meeting regarding Mission City Coffee Roasting Company.

A handwritten signature in black ink, appearing to read "Rod Diridon, Jr.".

Rod Diridon, Jr.
City Clerk/Auditor

Minutes Related to this Report:

1) City Council Minutes of July 15, 2008

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**MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, JULY 15, 2008**

The City Council met at 5:00 pm, on the above-mentioned date, for a Closed Session in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment).

The Council then met at 6:00 pm in the Reception Lobby Area for Interviews to Fill One Vacancy on the Senior Advisory Commission and for Interviews to Fill Vacancies on the Cultural Advisory Commission.

The Council then met at 7:01 pm for a regular meeting in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of an Invocation-Prayer.

Present: Council Members Dominic J. Caserta, Will Kennedy, Patrick Kolstad, Joe Kornder, Jamie McLeod and Kevin Moore and Mayor Patricia M. Mahan.

Staff present: City Manager, Assistant City Manager, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk/Auditor.

- 3.A. MOTION was made by McLeod, seconded and unanimously carried, that the revised Minutes for the meeting held on June 17, 2008 be adopted.

- 5.A Under Special Order of Business, Director of Electric Utility John Roukema reviewed his memo (07/09/08) regarding the 2008 American Public Power Association Energy Innovator Award which was presented to Silicon Valley Power (SVP), the City's Electric Utility, at the Association's annual conference held on June 21-25, 2008. Mr. Roukema informed the Council and audience that SVP was one of three utilities selected by the Association to receive the award which is in recognition of SVP's Outreach to Underserved Customers, a combination of programs designed to assist customers on its Financial Rate Assistance Program and seniors by increasing their energy conservation and lowering their electric bills. Mr. Roukema introduced key SVP staff members and presented the award to the Mayor. The Mayor

accepted the award on behalf of the Council and photographs were taken with the Council.

5.B Also as a Special Order of Business, the Council proceeded to consider the Executive Assistant to the City Manager's memo (07/08/08) regarding acknowledgement of the City's assistance for Arts Walk Santa Clara 2007. Michael Morris, President and founder of Orchard Valley Fine Arts Foundation, addressed the Council on behalf of the Arts Walk Santa Clara organization. He thanked the City for its assistance with the inaugural Arts Walk Santa Clara event held at Santa Clara Central Park on April 14, 2007 and announced that this year's event is scheduled for October 11, 2008 at the same location. He informed the Council and audience that the event is a five kilometer walk to raise money for nonprofit arts groups, and he introduced the organization's board members.

5.C Also as a Special Order of Business, the Council proceeded to consider the City Clerk/Auditor's memo (07/10/08) regarding the appointment of one commissioner to fill a vacancy on the Senior Advisory Commission for a full term ending June 30, 2012. The Mayor informed the audience that the Council interviewed earlier in the evening in a meeting open to the public the following applicants: Dwight Collins, Kathleen Lockwood, Helen Rezendes and Charles A. Roberts. Applicant Carl Anderson was not present at the interviews. MOTION was made by Moore, seconded and unanimously carried, that the Council appoint Dwight Collins to the Senior Advisory Commission for the full term ending June 30, 2012.

5.D Also as a Special Order of Business, the Council proceeded to consider the City Clerk/Auditor's memo (06/10/08) regarding the appointment of commissioners to fill four vacancies on the Cultural Advisory Commission, one vacancy for a partial term ending June 30, 2011 and three vacancies for full terms ending June 30, 2012. The Mayor informed the audience that the Council interviewed earlier in the evening in a meeting open to the public applicant Janean Snyder. Applicant Fatima Fagundes was not present for the interviews but submitted a letter informing the Council that she was not able to be present and expressed interest in serving on the Commission. Applicant Rain Eterno was not present at the interviews. MOTION was made by Caserta, seconded and unanimously carried, that the Council appoint Fatima Fagundes to the Cultural Advisory Commission for the partial term ending June 30, 2011 and Janean Snyder for the full term ending June 30, 2012 and to retain Rain Eterno's application for future consideration in filling the Commission's vacancies.

5.E Also as a Special Order of Business, the Council proceeded to consider the City Clerk/Auditor's memo (07/10/08) regarding the appointment of one commissioner to fill a vacancy on the Planning Commission for a full term ending June 30, 2012. The Mayor informed the audience that the Council interviewed the following applicants at the July 8, 2008 Council meeting: Rob Mayer, Phal J. Vaswani, Salman Khan and John J. George. At the conclusion of the interviews on July 8, 2008, the Council continued the appointment of one applicant to this evening's meeting. The Mayor also noted that Council Member Kolstad reconstituted himself on the issue after reviewing the recorded interviews. The City Clerk reviewed the appointment process. MOTION was made by Caserta, seconded and unanimously carried, that the Council appoint Rob Mayer to the Planning Commission for the full term ending June 30, 2012.

5.F Also as a Special Order of Business, the Council proceeded to consider the City Manager's memo (07/09/08), regarding the Fourth Quarter Report for the 2007-2009 Council Principles and Priorities. The City Manager and the Director of Public Works/City Engineer reviewed the Report and answered Council questions. MOTION was made by Caserta, seconded and carried with McLeod abstaining on elements relating to completing the Belovida and Bay Area Research and Extension Center (BAREC) projects (domestic partner has a source of income from Charities Housing) pertaining to the Council priority to emphasize strong commitment to affordable housing, that the Council accept the Fourth Quarter Status Report for the Council Principles and Priorities for 2007-2009 and set October 28, 2008 for the next quarterly status report for the Council Principles and Priorities for 2007-2009.

7A.1 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (07/09/08), the Council set August 26, 2008 for a public hearing to consider an Agreement with Fourth Avenue, LLC to maintain two non-standard driveway approaches at 550 Moreland Way (APN 097-08-109; S.C. 18,301) and authorize the noticing of the public hearing.

7A.2 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (07/09/08), the Council approve the use of City Electric forces for the installation of facilities at 1777 Agnew Road, 353 Mathew Street and 3170 Molinaro Street.

- 7A.3 MOTION was made by Caserta, seconded and unanimously carried, that, per the Acting Director of Human Resources (07/09/08), the Council approve the revised job description for Budget & Treasury Division Manager (formerly Financial Services Division Manager).
- 7A.4 MOTION was made by Caserta, seconded and carried with Kornder abstaining (residence within proximity to subject property), that, per the Director of Public Works/City Engineer (07/09/08), the Council adopt Resolution No. 08-7542 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING CERTAIN PARKING REGULATIONS ON WHITE DRIVE" which established a Disabled Parking zone in front of 1332 White Drive.
- 7A.5 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (07/09/08), the Council approve the plans and specifications for the Removal of Barriers to the Physically Challenged FY 2008-09 (CE 08-09-01) and authorize the City Manager to make minor modifications, if necessary, and to advertise for bids.
- 7A.6 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Finance (07/09/08), the Council accept the Santa Clara Chamber of Commerce and Convention-Visitors Bureau Tourism Improvement District Annual Report for the 2007-08 Fiscal Year as submitted by the Santa Clara Chamber of Commerce and Convention Visitors Bureau.
- 7A.7 MOTION was made by Caserta, seconded and unanimously carried, that, per the Fire Chief (07/08/08), the Council set August 19, 2008 for a public hearing for adoption of a resolution confirming the report on the cost of weed abatement and making assessment to pay the related costs and expenses in conjunction with the 2008 Weed Abatement Program and authorize the publication and posting of the Notice of the Public Hearing.
- 7A.8 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Planning and Inspection (06/08/08), the Council set August 26, 2008 for a public hearing for the Mitigated Negative Declaration, General Plan Amendment #68 and Rezoning Application for 2585 El Camino Real.

- 7A.9 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (07/09/08), the Council **authorize** the City Manager to **approve plans and specifications and agreements and to accept projects from July 16, 2008 through August 18, 2008** and direct the City Manager to submit a report at the August 19, 2008 meeting on projects and agreements approved and projects accepted during the recess.
- 7A.10 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (07/09/08), the Council **approve** and authorize the City Manager to execute the **Release of Interest** releasing the City's interest in **2211 Lawson Lane** (S.C. 18,316, APN 224-44-016) and **authorize** the recordation of the Release.
- 7A.11 **MOTION** was made by Caserta, seconded and carried with McLeod abstaining (domestic partner has a source of income from Charities Housing), that, per the Housing and Community Services Division Manager (07/07/08), the Council **approve** and authorize the City Manager to execute a **Loan Agreement** and related documents for financing the **Belovida Senior Apartment Project** located at 1828-1878 Main Street during the Redevelopment Agency summer recess from July 16, 2008 through August 19, 2008, with \$315,000 additional funding to bring the total Redevelopment Agency funding commitment to \$4,955,000.
- 7B.1 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Housing and Community Services Division Manager (06/24/08), the Council **approve** and authorize the City Manager to execute the **Affordable Housing Agreement** with **Lick Mill Creek Apartments, LP** for provision of thirteen Below Market Rate apartments as a condition of approval of the Mansion Grove Apartment Expansion Project located at 502 Mansion Park Drive.
- 7B.2 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Acting Director of Human Resources (07/01/08), the Council **approve** and authorize the City Manager to execute **Amendment No. 2** to the **Agreement for Professional Services** with **Littler Mendelson** in an amount not to exceed an additional \$80,000 in fiscal year 2008-09 and beyond, bringing the total amount to \$160,000, to provide advice and representation with personnel issues, supporting labor services and other legal assistance.

7B.3 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (07/03/08), the Council **approve** and authorize the City Manager to execute Amendment 1 (Term of Contract and General Power Contract Provisions) to the United States Department of Energy Western Area Power Administration Contract 03-SNR-00568 (Central Valley Project) for maintenance services for electrical generation, transmission and/or related facilities on an as-needed basis.

7B.4 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Information Technology and the Deputy City Manager (06/26/08), the Council **approve** and authorize the City Manager to execute an Agreement with Vision Internet Providers, Inc. in an amount not to exceed \$95,708 for redesign of the City websites and a Web Content Management System.

7B.5 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (07/09/08), the Council **approve** and authorize the City Manager to execute an Agreement and Covenant Running with the Land with LKK Properties, LLC to defer the installation of City standard sidewalk along the Laurelwood Road frontage of 590 Laurelwood Road (APN 101-13-010; SC 18,305) until called for by the City and **authorize** the recordation of the Agreement.

7.C.1,2 MOTION was made by Caserta, seconded and unanimously carried, that the Council **note** and **file** the following Informational Memos: Franklin Square Street Dance on August 1, 2008 (Administrative Analyst to the City Manager - 07/07/08) and San Jose/Santa Clara Water Pollution Control Plant's Master Plan Community Advisory Group to Include Two Santa Clara Residents (Public Communications Manager - 07/09/08).

7E.1 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Planning and Inspection (06/30/08), the Council **approve**, subject to conditions, the request submitted by the Triton Museum of Art for approval of a Special Permit to install two outdoor banners at 1505 Warburton Avenue for an indefinite time (PLN2008-07153).

7E.2 **MOTION** was made by Caserta, seconded and unanimously carried, that, per the Senior Staff Aide (07/01/08), the Council **approve** the request (06/19/08) submitted by Jumping for Joy for \$4,800 in matching Championship Team Funding for travel to Orlando, Florida, for the U.S. Jump Rope National Championship competition which took place on June 25-30, 2008 and **authorize** the City Manager to execute a Contribution Agreement with Jumping for Joy.

7B.6 The Council proceeded to consider the Director of Electric Utility's memo (07/09/08) recommending the adoption of a Resolution approving the Joint Exercise of Powers Agreement with the City of Redding and the Modesto Irrigation District, forming the M-S-R Energy Authority. The Director of Electric Utility reviewed his memo and answered Council questions. **MOTION** was made by Kolstad, seconded and unanimously carried, that the Council **adopt** Resolution No. 08-7543 entitled "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT WITH THE CITY OF REDDING AND THE MODESTO IRRIGATION DISTRICT FORMING THE M-S-R ENERGY AUTHORITY; APPOINTING A MEMBER OF THE M-S-R ENERGY AUTHORITY'S COMMISSION; APPROVING THE ISSUANCE BY THE M-S-R ENERGY AUTHORITY OF NOT TO EXCEED \$1,800,000,000 AGGREGATE PRINCIPAL AMOUNT OF M-S-R ENERGY AUTHORITY GAS REVENUE BONDS IN ONE OR MORE SERIES; APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF A SUPPLY AGREEMENT WITH M-S-R ENERGY AUTHORITY AND CERTAIN SANTA CLARA-RELATED PORTIONS OF AN OFFICIAL STATEMENT; AND AUTHORIZING RELATED ACTIONS AND MATTERS" which 1) approves the execution and delivery by the City Manager of the Joint Exercise of Powers Agreement with the City of Redding and the Modesto Irrigation District, forming the M-S-R Energy Authority; 2) approves the issuance by M-S-R Energy Authority of not to exceed \$1.8 billion of Gas Revenue Bonds; 3) authorizes the City Manager to appoint the Director of Electric Utility as Santa Clara's representative to the M-S-R Energy Authority Commission and the City's representative on the M-S-R Public Power Agency Commission, as Alternate Commissioner; and 4) approves the form of and authorizes the City Manager to execute a Long-term Gas Supply Agreement between the City of Santa Clara and M-S-R Energy Authority, authorizes execution of Santa Clara-related portions of an Official Statement and authorizes related actions and matters.

8.A PUBLIC HEARING: The Mayor declared the hearing open for consideration of the adoption of a Resolution approving the Annual Report in connection with Traffic Mitigation Assessment District No. 1988-1 for Fiscal Year 2008-09. The Director of Public Works/City Engineer reviewed his memo (07/09/08) and gave an electronic presentation regarding the Report. There being no public input, MOTION was made by Caserta, seconded and unanimously carried, that the hearing be closed. MOTION was then made by Caserta, seconded and unanimously carried, that the Council adopt Resolution No. 08-7544 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE ANNUAL REPORT IN CONNECTION WITH TRAFFIC MITIGATION ASSESSMENT DISTRICT NO. 1988-1 FOR FISCAL YEAR 2008-2009 AND CONFIRMING AN ASSESSMENT FOR THAT FISCAL YEAR" which approves, confirms and adopts the Traffic Mitigation Assessment District No. 1988-1 Report for Fiscal Year 2008-09.

9.A The Council proceeded to consider the written petition (dated 06/25/08) submitted by Larry Monette, President of the Retired Public Employees Association (RPEA) of California, Mission City Chapter No. 061 requesting the Council to increase the health insurance reimbursement of the 2001 Retiree Health Care Program up to the level a current employee/retiree would receive. The City Manager reviewed the memo from the Acting Director of Human Resources and Director of Finance (dated 07/11/08) regarding the request and the staff recommendation to note and file the request with no changes to the program. The Council noted the memos from the Director of Finance (dated 07/11/08) and the Executive Assistant to the Mayor and City Council (dated 07/15/08) regarding correspondence received regarding the written petition. Mr. Monette reviewed his written petition and letter (dated 07/09/08). A Council discussion followed and the City Manager answered Council questions. MOTION was made by Caserta, seconded and carried with Kennedy dissenting and Kolstad abstaining (retired City employee), that the Council approve the improved benefit for the 2001 Retiree Health Care Program retirees, effective July 1, 2008, to the level of the benefit of the 2003 Retiree Health Care Program, at a total additional cost of \$1.6 million (above the current program) over 30 years, establishing the financing over a 30-year period, including a cap on the current benefit for 65 year old and over low-income retirees in the 2001 Program until the 2003 Program benefit catches up to the 2001 Program benefit. Anton Morec addressed the Council and expressed appreciation for the Council's action.

10.A MOTION was made by Caserta, seconded and unanimously carried, that per the recommendations contained in the Minutes of the Parks and Recreation Commission for the meeting of June 17, 2008, the Council approve the request submitted by the Park Family to place a bench with a memorial plaque in Maywood Park and authorize the City Manager to work with the Commission to review the wording of the plaque and to have staff work with the Park Family for installation of the bench and plaque. The Minutes were duly noted and filed.

10.B.1 The Council proceeded to consider the Minutes of the Historical and Landmarks Commission for the meeting of May 1, 2008 and the Commission's recommendation to deny the request submitted by John D'Ambrosio for a Historic Property Preservation Agreement (Mills Act Contract) for the property located at 1075 Madison Street. The Director of Planning and Inspection reviewed the Commission's recommendation and his memo (07/11/08) with the recommendation to uphold the Commission's denial of the request. Applicant Mr. D'Ambrosio addressed the Council regarding his request and reviewed his letter (07/01/08). A Council discussion followed and the Director of Planning and Inspection answered Council questions. MOTION was made by McLeod, seconded and carried with Kolstad dissenting, that the Council uphold the Commission's recommendation and deny the application for a Historic Property Preservation Agreement for the property located at 1075 Madison Street.

10.B.2 MOTION was made by Caserta, seconded and unanimously carried, that, per the recommendation contained in the above-referenced Minutes of the Historical and Landmarks Commission for the meeting of May 1, 2008, the Council approve a historic designation and Historic Property Preservation Agreement (Mills Act Contract) for the property located at 564 Jefferson Street and, per the Director of Planning and Inspection (07/11/08), the Council approve adding the property to the City's Architecturally or Historically Significant Properties List and authorize the City Manager to execute a Historic Property Preservation Agreement (Mills Act Contract) with Kurt and Kim Chrestenson. The Minutes were duly noted and filed.

10.C MOTION was made by Caserta, seconded and carried with McLeod abstaining on Item 11 regarding 2221 The Alameda (participated in neighborhood meeting regarding Mission City Coffee Roasting Company that caused referral to the Planning Commission), that the Council note and file the Minutes of the Planning Commission for the meeting of June 25, 2008.

- 12.A Under Public Presentations, Kirk Vartan and John Azevedo expressed concerns and gave an electronic presentation regarding an update of the housing project located at 90 North Winchester Boulevard [former Bay Area Research and Extension Center (BAREC) project site].
- 13.A MOTION was made by Caserta, seconded and unanimously carried, that the Council approve the payment of Bills and Claims and Progress Payments as submitted.
14. Mayor Mahan reported on the recent American Public Power Association conference in New Orleans. She announced the upcoming Santa Clara Street Dance on August 1, 2008 and recognized the Boy Scout Troop in attendance at the Council meeting.
16. The City Attorney stated that the Council held earlier in the evening at 5:00 pm a Closed Session in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and that there was no reportable action.

MOTION was made by McLeod, seconded and unanimously carried, that, per the City Attorney (07/10/08), the Council set August 19, 2008 at 5:00 pm for a Closed Session in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, APN 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and a Conference with Labor Negotiator for labor negotiations for various entities.

17. MOTION was made by McLeod, seconded and unanimously carried, that there being no further business, the meeting was adjourned at 9:28 pm in **Memory of Robert W. Hansen** (member of the Lyons Club since 1974) and **Dave Powers** (owner and founder of David J. Powers Associates, Inc. and contractor for the City) to Tuesday evening, **August 19, 2008** at 5:00 pm for a Closed Session in the Council Conference Room and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor